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09/823,079	03/30/2001	Errol C. Heiman	STL9524	6981

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EXAMINER

LEROUX, ETIENNE PIERRE

ART UNIT	PAPER NUMBER
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2161

DATE MAILED: 12/01/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/823,079

Applicant(s)

HEIMAN ET AL.

Examiner

Etienne P LeRoux

Art Unit

2161

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 28 July 2004.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 18-28 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 18-28 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 30 March 2001 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. §§ 119 and 120

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.
- 13) ☒ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application) since a specific reference was included in the first sentence of the specification or in an Application Data Sheet. 37 CFR 1.78.
- a) ☐ The translation of the foreign language provisional application has been received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121 since a specific reference was included in the first sentence of the specification or in an Application Data Sheet. 37 CFR 1.78.

Attachment(s)

- 1) ☐ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s) _____
- 4) ☐ Interview Summary (PTO-413) Paper No(s). _____
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other:

Claim Rejections - 35 USC § 112

The following is a quotation of the first paragraph of 35 U.S.C. 112:

The specification shall contain a written description of the invention, and of the manner and process of making and using it, in such full, clear, concise, and exact terms as to enable any person skilled in the art to which it pertains, or with which it is most nearly connected, to make and use the same and shall set forth the best mode contemplated by the inventor of carrying out his invention.

Claims 18-37 are rejected under 35 U.S.C. 112, first paragraph, as failing to comply with the written description requirement. The claim(s) contains subject matter which was not described in the specification in such a way as to reasonably convey to one skilled in the relevant art that the inventor(s), at the time the application was filed, had possession of the claimed invention.

Claims 18 and 28 recite “a disturbance configured to simulate an unexpected and random change in the nominal power supply.” The specification does not contain a written description of the manner and process of making a random disturbance in the nominal power supply such that a skilled artisan can make and use the invention. For purposes of this Office Action, supra limitation will not be given patentable weight.

Claims 19-27 and 29-37 are rejected for being dependent on a rejected base claim.

Claim Rejections - 35 USC § 102

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless -

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an

Art Unit: 2161

international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

Claims 18-20, 27-30 and 37 are rejected under 35 U.S.C. 102(e) as being anticipated by

Pub No US 2002/0050813 issued to Yamamoto (hereafter Yamamoto).

Claims 18 and 28:

Yamamoto discloses a power tester apparatus for testing an electronic device, the device configured to operate using a constant power supply voltage, the apparatus comprising:

- a power source supplying the constant power supply voltage [Vcc, Fig 2]
- a connector coupled to the power source, the connector adapted to connect the constant power supply voltage to a power supply input on the electronic device [Fig 1, 7];
- circuitry configured to introduce disturbances into the constant power supply voltage applied to the electronic device, a disturbance configured to simulate an unexpected change in a nominal power supply voltage, wherein the disturbances introduced into the constant power supply voltage applied to the electronic device are controllable [Fig 1, 15].

Claims 19 and 29:

Yamamoto discloses wherein the disturbance is a rising pulse having a maximum voltage which is controllable [Fig 2].

Claims 20 and 30:

Yamamoto discloses wherein the disturbance is a low-going pulse having a minimum voltage being less than the voltage [Fig 2].

Claim 27:

Art Unit: 2161

Yamamoto discloses wherein the disturbance comprises a voltage sequence applied during powering up of the electronic device [abstract].

Claim 37:

Yamamoto discloses providing a 0 VDC voltage for a preselected duration of time after the voltage is coupled to the connector [Fig 2].

Claim Rejections - 35 USC § 103

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 21 and 31 are rejected under 35 U.S.C. 103(a) as being unpatentable over Yamamoto in view of US Pat No 5,353,254 issued to Sakamoto (hereafter Sakamoto).

Claims 21 and 31:

Yamamoto discloses the elements of claims 18 and 28 as noted above.

Yamamoto fails to disclose wherein the constant power supply voltage is selected from the group of voltages consisting of +5 VDC and +12 VDC.

Sakamoto discloses as admitted prior art wherein the constant power supply voltage is selected from the group of voltages consisting of +5 VDC and +12 VDC [col 1, lines 13-20].

It would have been obvious to one of ordinary skill in the art at the time the invention was made to modify Yamamoto to include wherein the constant power supply voltage is selected from the group of voltages consisting of +5 VDC and +12 VDC as taught by Sakamoto.

Art Unit: 2161

The ordinarily skilled artisan would have been motivated to modify Yamamoto per the above for the purpose of selecting a conventional power source [col 1, lines 13-20].

Claims 22, 23, 32 and 33 are rejected under 35 U.S.C. 103(a) as being unpatentable over Yamamoto in view of US Pat No 5,949,671 issued to Lee et al (hereafter Lee '671).

Claims 22 and 32:

Yamamoto discloses the elements of claims 18 and 28 as noted above,

Yamamoto fails to disclose further comprising an additional power source supplying an additional voltage wherein the additional power source is adapted to connect the additional voltage to an additional connector.

Lee '671 discloses a dual voltage power supply [Fig 1, 130, 140].

It would have been obvious to one of ordinary skill in the art at the time the invention was made to modify Yamamoto to include a dual voltage power supply as taught by Lee '671.

The ordinarily skilled artisan would have been motivated to modify Yamamoto per the above for the purpose of providing a voltage supply suitable for powering the electronic device at the design voltage of the electronic device.

Furthermore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the combination of Yamamoto and Lee '671 to include further comprising an additional power source supplying an additional voltage wherein the additional power source is adapted to connect the additional voltage to an additional connector.

Art Unit: 2161

The ordinarily skilled artisan would have been motivated to modify the combination of Yamamoto and Lee '671 per the above for the purpose of physically providing a first voltage to a first device under test and a second voltage to a second device under test.

Claims 23 and 33:

The combination of Yamamoto and Lee '671 disclose the elements of claims 18, 22, 28 and 32 as noted above.

Lee '671 discloses 24 VDC [col 1, lines 55-60].

Claims 24-26 and 34-36 are rejected under 35 U.S.C. 103(a) as being unpatentable over Yamamoto in view of US Pat No 4,764,652 issued to Lee et al (hereafter Lee '652).

Claims 24 and 34:

Yamamoto discloses the elements of claims 18 and 28 as noted above.

Yamamoto fails to disclose a manually operated user interface used to control the disturbances.

Lee '652 discloses a manually operated user interface used to control the disturbances [Fig 3, 54].

It would have been obvious to one of ordinary skill in the art at the time the invention was made to modify Yamamoto to include a manually operated user interface used to control the disturbances as taught by Lee '652.

The ordinarily skilled artisan would have been motivated to modify Yamamoto per the above for the purpose of controlling the output to the work coil in order to control temperature of the cooker [Fig 1].

Art Unit: 2161

Claims 25, 26, 35 and 36

Yamamoto discloses the elements of claims 18 and 28 as noted above.

Yamamoto fails to disclose wherein the disturbance is at least one pulse having a duration and a magnitude which are controllable.

Lee '652 discloses wherein the disturbance is at least one pulse having a duration and a magnitude which are controllable [abstract].

It would have been obvious to one of ordinary skill in the art at the time the invention was made to modify Yamamoto to include wherein the disturbance is at least one pulse having a duration and a magnitude which are controllable as taught by Lee '652

The ordinarily skilled artisan would have been motivated to modify Yamamoto per the above for the purpose of controlling the output to the work coil in order to control temperature of the cooker [Fig 1].

Response to Arguments

Applicant's arguments filed 7/28/2004 have been fully considered and not found to be persuasive.

Applicant Argument No 1:

Applicant states on the first paragraph on page 7 "Independent claims 18 and 28 include providing power to an electronic device at a constant power supply voltage which is 'at the nominal power supply voltage of the electronic device.' Yamamoto does describe applying various voltage levels. However, the references do not appear to discuss application of the

Art Unit: 2161

nominal supply voltage for the memory circuitry which is being tested. For this reason, the rejections should be withdrawn.”

Examiner Response No 1:

Examiner is not persuaded. In response to applicant's argument that the references fail to show certain features of applicant's invention, it is noted that the features upon which applicant relies (i.e., application of the nominal supply voltage for the memory circuitry) are not recited in the rejected claim(s). Although the claims are interpreted in light of the specification, limitations from the specification are not read into the claims. See *In re Van Geuns*, 988 F.2d 1181, 26 USPQ2d 1057 (Fed. Cir. 1993).

Applicant Argument No 2:

Applicant states in the second paragraph on page 2 “Additionally, amended claims 18 and 28 include the introduction disturbances which are ‘configured to simulate an unexpected and random change in the nominal power supply voltage.’ As discussed in the instant application, such random disturbances can shorten the life expectancy of electronic devices.”

Examiner Response No 2:

Examiner is not persuaded. Claims 18-37 are rejected under 35 U.S.C. 112, first paragraph, as failing to comply with the written description requirement. The claim(s) contains subject matter which was not described in the specification in such a way as to reasonably convey to one skilled in the relevant art that the inventor(s), at the time the application was filed, had possession of the claimed invention. In particular, Claims 18 and 28 recite “a disturbance configured to simulate an unexpected and random change in the nominal power supply.” The specification does not contain a written description of the manner and process of making a

Art Unit: 2161

random disturbance in the nominal power supply such that a skilled artisan can make and use the invention. In fact, examiner maintains applicant's Figure 5, shows pulses which are regular and not random.

Applicant Argument No 3:

Applicant states in the third paragraph of page 7 "Further, Applicant notes that the dependent claims contain numerous features which, when read in context with the independent claims, are not shown in the art. These combinations include introducing unexpected and random variations in a nominal power supply voltage in which a rising pulse having a maximum is controllable, a low going pulse having a minimum voltage, constant power supply voltage at 5 and 12 volt DC, the connection through an additional voltage connector, the additional voltage connector at 24 volts DC, a manually operated user interface to control the disturbances, at least one pulse having a duration and a magnitude which are controllable, a frequency of pulses which is controllable or power-up sequence which is controllable."

Examiner Response No 3:

Examiner is not persuaded. Claims 18-37 are rejected under 35 U.S.C. 112, first paragraph, as failing to comply with the written description requirement. The claim(s) contains subject matter which was not described in the specification in such a way as to reasonably convey to one skilled in the relevant art that the inventor(s), at the time the application was filed, had possession of the claimed invention. In particular, Claims 18 and 28 recite "a disturbance configured to simulate an unexpected and random change in the nominal power supply." The specification does not contain a written description of the manner and process of making a random disturbance in the nominal power supply such that a skilled artisan can make and use the

Art Unit: 2161

invention. In fact, examiner maintains applicant's Figure 5, shows pulses which are regular and not random. Furthermore, Applicant states that the cited prior art does not teach features of the dependent claims. Examiner is perplexed as the relevance of the cited prior art to the features of the dependent claims is, element by element, clearly identified element in supra office action.

Furthermore, examiner notes Rule 37CFR 1.111(b) requires Applicant to "distinctly and specifically point out errors" in the examiner's action. Also, arguments or conclusions of Applicant cannot take the place of evidence. *In re Cole*, 51 CCPA 919, 326F.2d 769, 140 USPQ 230 (1964).

Conclusion

THIS ACTION IS MADE FINAL. Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

Art Unit: 2161

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Etienne LeRoux whose telephone number is (571) 272-4022.

The examiner can normally be reached on Monday – Friday from 8:00 AM to 4:30 PM.


If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Safet Metjahic, can be reached on (571) 272-4023.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (571) 272-2100.

Patent related correspondence can be forwarded via the following FAX number (703) 872-9306

Etienne LeRoux

11/27/2004


SAFET METJAHIC
SUPERVISORY PATENT EXAMINER
TECHNOLOGY CENTER 2100